

AMENDED IN SENATE APRIL 10, 2014

**SENATE BILL**

**No. 1168**

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**Introduced by Senator Pavley**

February 20, 2014

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An act to amend Sections 10752 and 10753.7 of, *and to add Part 2.74 (commencing with Section 10720) to Division 6 of*, the Water Code, relating to groundwater.

LEGISLATIVE COUNSEL'S DIGEST

SB 1168, as amended, Pavley. Groundwater ~~management plans.~~  
*management.*

Existing law authorizes local agencies, as defined, to adopt and implement a groundwater management plan. Existing law requires a groundwater management plan to contain specified components and requires a local agency seeking state funds administered by the Department of Water Resources for groundwater projects or groundwater quality projects to do certain things, including, but not limited to, prepare and implement a groundwater management plan that includes basin management objectives for the groundwater basin.

This bill also would require a local agency to determine sustainable yield for a groundwater basin in coordination with other applicable local agencies whose service areas overlie the groundwater basin.

*This bill would enact the Sustainable Groundwater Management Act, and would state as the intent of the Legislature that, among other things, all groundwater basins and subbasins shall be managed sustainably by local entities pursuant to an adopted sustainable groundwater management plan. This bill would authorize unspecified entities to develop a sustainable groundwater management plan, defined as a document that describes the activities intended to be included in a*

*groundwater management program, to be developed and adopted to encompass an entire basin or subbasin in an unspecified manner, and according to an unspecified schedule. This bill would authorize, under unspecified conditions, the state to take action to cause a sustainable groundwater management plan to be developed, adopted, and implemented.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     ~~SECTION 1.—(a) Groundwater is a crucial component of~~  
2     ~~California’s water supply and a primary water supply for many~~  
3     ~~areas in times of drought. In an average water year, groundwater~~  
4     ~~provides approximately 30 percent of California’s agricultural and~~  
5     ~~urban supply but during times of drought, groundwater provides~~  
6     ~~40 percent or more. Groundwater is one of the best drought~~  
7     ~~management tools providing the backup supply for many regions~~  
8     ~~of the state when surface supplies in our rivers and reservoirs are~~  
9     ~~depleted.~~

10    ~~(b) In many areas of the state, the heavy reliance on groundwater~~  
11    ~~has resulted in its overuse. In aggregate, more groundwater has~~  
12    ~~been pumped and used each year than has been replenished,~~  
13    ~~resulting in groundwater overdraft in many areas. Groundwater~~  
14    ~~overdraft is known to cause numerous impacts including, but not~~  
15    ~~limited to, reduced drinking water quality, reduced surface water~~  
16    ~~flows that affect fish and downstream users, increased costs of~~  
17    ~~groundwater pumping and drilling, reduced future water storage~~  
18    ~~potential, and land subsidence which in turn threatens the integrity~~  
19    ~~of levees, wells, roads, and other critical infrastructure.~~

20    ~~(c) It is in the best interest of the state that groundwater be~~  
21    ~~managed sustainably to protect California’s drought resilience,~~  
22    ~~public health, economic vitality, agricultural production, and~~  
23    ~~natural heritage.~~

24    ~~(d) While many local agencies have improved groundwater~~  
25    ~~management in their regions by exercising existing authorities,~~  
26    ~~significant groundwater overdraft and impacts continue.~~

27    ~~(e) Local agencies need additional legal authority to protect~~  
28    ~~groundwater supplies and the environment in times of drought,~~

1 ~~and to ensure a healthy future for California's farms and~~  
2 ~~communities.~~

3 *SECTION 1. Part 2.74 (commencing with Section 10720) is*  
4 *added to Division 6 of the Water Code, to read:*

5  
6 *PART 2.74. SUSTAINABLE GROUNDWATER MANAGEMENT*

7  
8 *CHAPTER 1. GENERAL PROVISIONS*

9  
10 *10720. This part may be known, and may be cited, as the*  
11 *Sustainable Groundwater Management Act.*

12 *10721. In enacting this part, it is the intent of the Legislature*  
13 *that all of the following occur:*

14 *(a) All groundwater basins and subbasins shall be managed*  
15 *sustainably by local entities pursuant to an adopted sustainable*  
16 *groundwater management plan.*

17 *(b) Attention to develop, adopt, and implement a sustainable*  
18 *groundwater management plan shall be directed first to high and*  
19 *medium priority groundwater basins and subbasins.*

20 *(c) Upon a finding of compelling state interest, the state shall*  
21 *have recourse to cause a sustainable groundwater management*  
22 *plan to be developed, adopted, and implemented where local*  
23 *interests either cannot or will not do so themselves.*

24 *10722. This part applies to all groundwater basins and*  
25 *subbasins in the state.*

26  
27 *CHAPTER 2. DEFINITIONS*

28  
29 *10725. Unless the context otherwise requires, the following*  
30 *definitions govern the construction of this part:*

31 *(a) "Groundwater" means all water beneath the surface of the*  
32 *earth within the zone below the water table in which the soil is*  
33 *completely saturated with water, but does not include water that*  
34 *flows in known and definite channels.*

35 *(b) "Groundwater basin" means any basin or subbasin*  
36 *identified in the department's Bulletin No. 118, dated September*  
37 *1975, and any amendments to that bulletin, but does not include*  
38 *a basin in which the average well yield, excluding domestic supply*  
39 *wells that supply water to a single-unit dwelling, is less than 100*  
40 *gallons per minute.*

1 (c) “Groundwater extraction facility” means a device or method  
2 for the extraction of groundwater within a groundwater basin.

3 (d) “Groundwater recharge” means the augmentation of  
4 groundwater, by natural or artificial means, with surface water  
5 or recycled water.

6 (e) “Local groundwater management entity” means \_\_\_\_.

7 (f) “Recharge area” means the area that supplies water to an  
8 aquifer in a groundwater basin and includes multiple wellhead  
9 protection areas.

10 (g) “Sustainable groundwater management” means the  
11 management of a groundwater basin to provide for multiple  
12 long-term benefits without resulting in or aggravating conditions  
13 that cause significant economic, social, or environmental impacts  
14 such as long-term overdraft, land subsidence, ecosystem  
15 degradation, depletions from surface water bodies, and water  
16 quality degradation, in order to protect the resource for future  
17 generations.

18 (h) “Sustainable groundwater management plan” or “plan”  
19 means a document that describes the activities intended to be  
20 included in a groundwater management program.

21 (i) “Sustainable groundwater management program” or  
22 “program” means a coordinated and ongoing activity undertaken  
23 for the benefit of a groundwater basin, or a portion of a  
24 groundwater basin, pursuant to a groundwater management plan  
25 adopted pursuant to this part.

26 (j) “Watermaster” means a watermaster appointed by a court  
27 or pursuant to other provisions of law.

28 (k) “Wellhead protection area” means the surface and  
29 subsurface area surrounding a water well or well field that supplies  
30 a public water system through which contaminants are reasonably  
31 likely to migrate toward the water well or well field.

32  
33 *CHAPTER 3. SUSTAINABLE GROUNDWATER MANAGEMENT*  
34 *PLANS*

35  
36 10730. A plan shall be developed and adopted according to  
37 the following schedule:

38 (a) \_\_\_\_.

39 10731. The process for developing and adopting a plan shall  
40 include the following:

1 (a) \_\_\_\_.

2 10732. A plan shall include the following:

3 (a) \_\_\_\_.

4 10733. A plan shall encompass an entire basin or subbasin.

5 10734. Upon adoption of a plan, a copy of the plan shall be  
6 provided to the following:

7 (a) \_\_\_\_.

8  
9 *CHAPTER 4. LOCAL GROUNDWATER MANAGEMENT ENTITIES*

10  
11 10735. A plan may be developed by the following new or  
12 existing entities:

13 (a) \_\_\_\_.

14 10736. In addition to any other powers an agency designated  
15 as a local groundwater management entity may be granted by law,  
16 a local groundwater management entity shall have and may  
17 exercise the following powers:

18 (a) \_\_\_\_.

19 10737. A local groundwater management entity may enforce  
20 the provisions of a plan as follows:

21 (a) \_\_\_\_.

22  
23 *CHAPTER 5. FINANCING*

24  
25 10740. \_\_\_\_.

26  
27 *CHAPTER 6. ENFORCEMENT*

28  
29 10745. Under the following conditions, the state may take  
30 action to cause a sustainable groundwater management plan to  
31 be developed, adopted, and implemented.

32 (a) \_\_\_\_.

33 SEC. 2. Section 10752 of the Water Code is amended to read:

34 10752. Unless the context otherwise requires, the following  
35 definitions govern the construction of this part:

36 (a) "Groundwater" means all water beneath the surface of the  
37 earth within the zone below the water table in which the soil is  
38 completely saturated with water, but does not include water that  
39 flows in known and definite channels.

(b) “Groundwater basin” means any basin or subbasin identified in the department’s Bulletin No. 118, dated September 1975, and any amendments to that bulletin, but does not include a basin in which the average well yield, excluding domestic wells that supply water to a single-unit dwelling, is less than 100 gallons per minute.

(c) “Groundwater extraction facility” means a device or method for the extraction of groundwater within a groundwater basin.

(d) “Groundwater management plan” or “plan” means a document that describes the activities intended to be included in a groundwater management program.

(e) “Groundwater management program” or “program” means a coordinated and ongoing activity undertaken for the benefit of a groundwater basin, or a portion of a groundwater basin, pursuant to a groundwater management plan adopted pursuant to this part.

(f) “Groundwater recharge” means the augmentation of groundwater, by natural or artificial means, with surface water or recycled water.

(g) “Local agency” means a local public agency that provides water service to all or a portion of its service area, and includes a joint powers authority formed by local public agencies that provide water service.

(h) “Overdraft” means the condition of the groundwater basin where the average annual amount of water extracted exceeds the average annual supply of water to groundwater.

(i) “Person” has the same meaning as defined in Section 19.

(j) “Recharge area” means the area that supplies water to an aquifer in a groundwater basin and includes multiple wellhead protection areas.

(k) “Sustainable yield” means the average annual quantity of groundwater that can be withdrawn over a specified planning timeframe from a groundwater basin without resulting in or aggravating conditions of overdraft, subsidence, ecosystem degradation, streamflow depletion, or groundwater quality degradation.

(l) “Watermaster” means a watermaster appointed by a court or pursuant to other provisions of law.

(m) “Wellhead protection area” means the surface and subsurface area surrounding a water well or well field that supplies a public water system through which contaminants are reasonably likely to migrate toward the water well or well field.

1 SEC. 3. Section 10753.7 of the Water Code is amended to read:

2 10753.7. (a) For the purposes of qualifying as a groundwater  
3 management plan under this section, a plan shall contain the  
4 components that are set forth in this section. In addition to the  
5 requirements of a specific funding program, a local agency seeking  
6 state funds administered by the department for groundwater  
7 projects or groundwater quality projects, including projects that  
8 are part of an integrated regional water management program or  
9 plan, and excluding programs that are funded under Part 2.78  
10 (commencing with Section 10795), shall do all of the following:

11 (1) Prepare and implement a groundwater management plan  
12 that includes basin management objectives for the groundwater  
13 basin that is subject to the plan. The plan shall include components  
14 relating to the monitoring and management of groundwater levels  
15 within the groundwater basin, groundwater quality degradation,  
16 inelastic land surface subsidence, changes in surface flow and  
17 surface water quality that directly affect groundwater levels or  
18 quality or are caused by groundwater pumping in the basin, and a  
19 description of how recharge areas identified in the plan  
20 substantially contribute to the replenishment of the groundwater  
21 basin.

22 (2) For purposes of implementing paragraph (1), the local agency  
23 shall prepare a plan to involve other agencies that enables the local  
24 agency to work cooperatively with other public entities whose  
25 service area or boundary overlies the groundwater basin.

26 (3) For purposes of implementing paragraph (1), the local agency  
27 shall prepare a map that details the area of the groundwater basin,  
28 as defined in the department's Bulletin No. 118, and the area of  
29 the local agency, that will be subject to the plan, as well as the  
30 boundaries of other local agencies that overlie the basin in which  
31 the agency is developing a groundwater management plan.

32 (4) For the purposes of increasing the general understanding of  
33 regional groundwater supplies, avoiding impacts due to  
34 groundwater overdraft, improving drought preparedness, and  
35 implementing paragraph (1), the local agency shall determine the  
36 sustainable yield for the groundwater basin. The local agency shall  
37 determine sustainable yield for a groundwater basin in coordination  
38 with other applicable local agencies whose service areas overlie  
39 the groundwater basin.

1 (5) (A) Commencing January 1, 2013, for purposes of  
2 implementing paragraph (1), the groundwater management plan  
3 shall include a map identifying the recharge areas for the  
4 groundwater basin.

5 (B) The local agency shall provide the map required pursuant  
6 to subparagraph (A) to the appropriate local planning agencies  
7 after adoption of the groundwater management plan.

8 (C) Upon submitting a map pursuant to subparagraph (B), the  
9 local agency shall notify the department and all persons on the list  
10 established and maintained pursuant to subdivision (c) of Section  
11 10753.4.

12 (D) For purposes of this paragraph, “map identifying the  
13 recharge areas” means a map that identifies, or maps that identify,  
14 the current recharge areas that substantially contribute to the  
15 replenishment of the groundwater basin.

16 (6) The local agency shall adopt monitoring protocols that are  
17 designed to detect changes in groundwater levels, groundwater  
18 quality, inelastic surface subsidence for basins for which  
19 subsidence has been identified as a potential problem, and flow  
20 and quality of surface water that directly affect groundwater levels  
21 or quality or are caused by groundwater pumping in the basin. The  
22 monitoring protocols shall be designed to generate information  
23 that promotes efficient and effective groundwater management.

24 (7) Local agencies that are located in areas outside the  
25 groundwater basins delineated on the latest edition of the  
26 department’s groundwater basin and subbasin map shall prepare  
27 groundwater management plans incorporating the components in  
28 this subdivision, and shall use geologic and hydrologic principles  
29 appropriate to those areas.

30 (b) (1) (A) A local agency may receive state funds administered  
31 by the department for groundwater projects or for other projects  
32 that directly affect groundwater levels or quality if it prepares and  
33 implements, participates in, or consents to be subject to, a  
34 groundwater management plan, a basinwide management plan, or  
35 other integrated regional water management program or plan that  
36 meets, or is in the process of meeting, the requirements of  
37 subdivision (a). A local agency with an existing groundwater  
38 management plan that meets the requirements of subdivision (a),  
39 or a local agency that completes an update of its plan to meet the  
40 requirements of subdivision (a) within one year of applying for



1 funds, shall be given priority consideration for state funds  
2 administered by the department over local agencies that are in the  
3 process of developing a groundwater management plan. The  
4 department shall withhold funds from the project until the update  
5 of the groundwater management plan is complete.

6 (B) Notwithstanding subparagraph (A), a local agency that  
7 manages groundwater under any other provision of existing law  
8 that meets the requirements of subdivision (a), or that completes  
9 an update of its plan to meet the requirements of subdivision (a)  
10 within one year of applying for funding, shall be eligible for  
11 funding administered by the department. The department shall  
12 withhold funds from a project until the update of the groundwater  
13 management plan is complete.

14 (C) Notwithstanding subparagraph (A), a local agency that  
15 conforms to the requirements of an adjudication of water rights in  
16 the groundwater basin is in compliance with subdivision (a). For  
17 purposes of this subparagraph, an “adjudication” includes an  
18 adjudication under Section 2101, an administrative adjudication,  
19 and an adjudication in state or federal court.

20 (D) Subparagraphs (A) and (B) do not apply to proposals for  
21 funding under Part 2.78 (commencing with Section 10795), or to  
22 funds authorized or appropriated prior to September 1, 2002.

23 (E) A local agency may request state funds to map groundwater  
24 recharge areas pursuant to paragraph (4) of subdivision (a) to the  
25 extent that the request for state funds is consistent with eligibility  
26 requirements that are applicable to the use of the requested funds.

27 (2) Upon the adoption of a groundwater management plan in  
28 accordance with this part, the local agency shall submit a copy of  
29 the plan to the department, in an electronic format, if practicable,  
30 approved by the department. The department shall make available  
31 to the public copies of the plan received pursuant to this part.